

## REMARKS:

This communication is in response to the detailed Office Action mailed November 2, 2004. Accordingly, Applicant has amended claims 1 and 3-4 and canceled claim 2. The Examiner's comments and rejections are addressed below:

### **35 U.S.C. § 102(b) Rejections**

#### **Claims 1-2 Rejected Under Honda**

The Examiner rejected claims 1-2 under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent No. 5,746,190 ("Honda"). However, Applicant respectfully traverses this rejection, in light of the amendments.

Applicant has amended claim 1 to recite "a cylindrical barrier wall that forms one portion of said main passage and at least partially isolates said main passage from a mixture reserve space encompassing said main passage and being connected to said EGR gas inflow passage; and a cut-out part formed at said cylindrical barrier wall for allowing said main passage, which is substantially perpendicular to the rotational axis of said valve flap, to communicate with said mixture reserve space." Support for this amendment can be found throughout the specification, such as Paragraphs [0014] to [0019] and FIGs. 1-3.

Honda teaches an EGR system, which includes a rotatable throttle valve, a partition wall, and an exhaust gas inlet port (FIGs. 1 and 2; col. 3, line 14-col. 4, line 37). The partition wall and the rotatable throttle valve work together to regulate the flow of exhaust gas to mix with the downstream side of the intake air flow (col. 4, lines 25-37) by rotating the throttle valve such that the throttle valve contacts the lower hanging end of the partition wall to cut off the flow path of the exhaust gas as needed, in which the height of the partition wall suddenly drops off, forming a lowered bent end (FIG. 2). When the exhaust gas is allowed to pass by the lowered bent end of the partition wall and the throttle valve, it mixes with the downstream side of the intake air that is located in the throttle shaft (FIG 2, col. 4, lines 25-37).

In comparison, Honda does not teach a cylindrical barrier wall as recited by amended claim 1 because Honda's partition wall tapers off to form a lowered bent end, nor does it teach a cut-out part in the cylindrical barrier wall for communicating with the mixture reserve



space. Thus, Honda does not anticipate claim 1. Because claim 2 has been canceled, the rejection against it is now moot. Therefore, Applicant respectfully request withdrawal of this rejection.

*Claims 1-4 Rejected Under Takeyama*

The Examiner has rejected claims 1-4 under 35 U.S.C. § 102(b), as being anticipated by U.S. Patent No. 5,884,612 (“Takeyama”). Applicant, however, respectfully traverse this rejection, in light of the amendments.

As mentioned earlier, claim 1 has been amended to include recitations of a cylindrical barrier wall and a cut out part formed at the cylindrical barrier wall. Claims 3 and 4 have been amended to depend on claim 1 now, since claim 2 has been canceled.

Takeyama teaches a gas ventilation system for an internal combustion engine that includes a throttle body with a throttle valve (FIGs. 5 and 7; col. 3, line 58 – col. 4, line 19). The throttle body connects with a surge tank through a gasket, where there is an EGR pipe connected to the surge tank (FIGs. 5 and 7; col. 4, lines 17-19). The gasket includes a cylindrical member that has the same diameter as the throttle body (col. 3, line 66 – col. 4, line 2). The cylindrical member extends over the opening of the EGR pipe in the surge tank, thereby defining an annular gas passage (col. 4, lines 5-8).

However, Takeyama fails to teach the structure recited in claims 1-4. The cylindrical member that the Examiner alleges as the barrier wall does not have a cut out part for communicating with the mixture reserve space, which makes the cylindrical member structurally different than the cylindrical barrier wall recited in claim 1. Hence, Takeyama does not anticipate claim 1. Since claims 3 and 4 depend on claim 1, they are patentably distinguishable over Takeyama as well. Therefore, Applicant respectfully request withdrawal of this rejection.

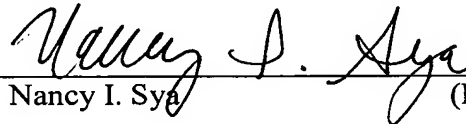


**Conclusion**

In light of the present amendments and the above arguments, the Applicant believes claims 1 and 3-4 are now allowable and the rejections moot. Should the Examiner have any continuing objections or concerns, the Examiner is respectfully asked to contact the undersigned at 415-442-1000 in order to expedite allowance of this case. Even though Applicant believes that no fees are presently due, authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 060945-0174).

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Respectfully submitted,

 52,266  
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